

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:  
DORSEY & WHITNEY LLP  
Attn. HARROP, J.  
1001 Pennsylvania Avenue N.W.  
Suite 300, South  
Washington, DC 20004  
UNITED STATES OF AMERICA

## INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

Applicant's or agent's file reference <b>5289.01</b>	Date of mailing (day/month/year) <b>18/11/2002</b>
International application No. <b>PCT/US 00/ 29813</b>	PAYMENT DUE within <b>45</b> <del>XXX</del> days/days from the above date of mailing
Applicant <b>DISCOVERY COMMUNICATIONS, INC.</b>	International filing date (day/month/year) <b>27/10/2000</b>

**1. This International Searching Authority**

- (i) considers that there are 0005 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:  
**1-17, 49-53, 28-37, 38-47**

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

**2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:**

<u>EUR 945,00</u>	x	<u>0004</u>	=	<u>EUR 3.780,00</u>
Fee per additional invention		number of additional inventions		total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included in the international search report.

Name and mailing address of the International Searching Authority  
 European Patent Office, P.B. 5818 Patentlaan 2  
 NL-2280 HV Rijswijk  
 Tel. (+31-70) 340-2040. Tx. 31 651 epo nl,  
 Fax: (+31-70) 340-3016

Authorized officer

Jacinta Reddy

DUCKETED

EINSCHREIBEN

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-17,49-53,28-37,38-47

Independent claim 1 relates to a method for distributing electronic books to subscribers that comprises the steps of : determining a queue location for an ordered electronic book, placing first sections of electronic books in a first queue and placing second sections of electronic books in second queues.

Independent claim 38 relates to the same subject-matter as that of independent claim 1 in combination with dependent claim 2 differing only in that the method is claimed to be suitable for communicating between an electronic book distribution centre and an electroinic viewer.

Independent claim 28 related to a method of distributing electronic books wherein a second section of a requested electronic book is retrieved and provided.

2. Claims: 18-27

Independent claim 18 relates to a method for delivering electronic books comprising the steps of: locating a requested main section of an electronic book and providing the located main section of the electronic book.

3. Claim : 48

Independent claim 48 relates to a method of displaying information to subscribers in an electronic book delivery system wherein first sections of electronic books are sent to electronic book readers, requests are received for second sections of electronic books corresponding to one or more of the sent first sections and second sections are sent to readers requesting the second sections.

4. Claims: 54-60

Independent method claim 54 relates to a method of prioritizing distribution of electronic books wherein electronic books are place in one of a plurality of queues, each queue being emptied according to a priority model.

5. Claims: 61-71

Independent method claim 61 relates to a method of providing a virtual electronic book on demand service wherein first and second sections of selected electronic books are provided to subscribers of a service.

The application does not relate to one single inventive concept as required by Article 3 and Rule 13 PCT. The feature that is common to each group of inventions is the electronic book. However, it is clear from documents WO-A-9945491 A that electronic books are well known in the art.

Furthermore, the splitting of books into sections for improving responsiveness to a customer download request is well known in the art (see document US-A-5819301) as the use of queuing techniques to improve efficiency of download (see document XP-000865922 and JP-A-11068770)

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:  
1-17, 28-47, 49-53
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 99 45491 A (NUVOMEDIA INC) 10 September 1999 (1999-09-10)  page 5, line 25 -page 8, line 21	1-17, 38-47, 49-53
Y	DAN A ET AL: "A DYNAMIC POLICY OF SEGMENT REPLICATION FOR LOAD-BALANCING IN VIDEO-ON-DEMAND SERVERS" MULTIMEDIA SYSTEMS, SPRINGER VERLAG, DE, vol. 3, no. 3, July 1995 (1995-07), pages 93-103, XP000865922 ISSN: 0942-4962 page 93, right-hand column, paragraph 1 -page 94, left-hand column, paragraph 1	1-17, 38-47, 49-53
A	PATENT ABSTRACTS OF JAPAN vol. 1999, no. 08, 30 June 1999 (1999-06-30) & JP 11 068770 A (NEC CORP), 9 March 1999 (1999-03-09) abstract	1-17, 38-47, 49-53
A	US 5 819 301 A (MCQUARRIE ELIZABETH M ET AL) 6 October 1998 (1998-10-06)  column 3, line 40 -column 7, line 49	1-17, 38-47, 49-53

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "G" document member of the same patent family

# Patent Family Annex

Information on patent family members

International Application No

PCT/US 00/29813

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9945491	A	10-09-1999	US 2001011238 A1	02-08-2001
			EP 1070298 A1	24-01-2001
			EP 1121779 A1	08-08-2001
			WO 9945491 A1	10-09-1999
			WO 0021239 A1	13-04-2000
			US 2001012000 A1	09-08-2001
			US 2002007454 A1	17-01-2002
JP 11068770	A	09-03-1999	JP 2967767 B2	25-10-1999
US 5819301	A	06-10-1998	US 5737599 A	07-04-1998
			US 5781785 A	14-07-1998
			CA 2233023 A1	03-04-1997
			EP 0870246 A1	14-10-1998
			JP 2000500887 T	25-01-2000
			WO 9712328 A1	03-04-1997
			US 6073148 A	06-06-2000
			US 5860074 A	12-01-1999